Summary of Local Government Legislation

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BRITISH COLUMBIA

Ministry of Community Services

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Summary of Local Government Legislation

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USING THIS SUMMARY

This is a summary of legislation passed during the 2005 Spring and Fall sessions of the Legislative Assembly of British Columbia that may be of direct interest to local governments. This Summary is presented in 3 parts.

Part A covers 1 bill that amends local government legislation for which the Ministry of Community Services is responsible. In 2005, none of these bills were sponsored by the Minister of Community Services – the bill was sponsored by another Minister.

Part B covers 9 bills that do not significantly affect Ministry of Community Services' legislation, but contain amendments that directly affect local governments. In some cases, a bill in this Part may also consequentially amend local government legislation.

In the description of a bill in **Parts A** and **B**, a reference to "section #" is a reference to the section of the bill (also referred to as an Act) which is making the amendments. A reference to "s. #" or "ss. #", on the other hand, is a reference to a section or sections of an existing statute or Act that is being amended. To illustrate - **sections** of Bill 4, *Attorney General Statutes Amendment Act, 2005*, make amendments to **ss.** of the existing *Family Relations Act*.

The information in **Parts A** and **B** as to the "in force" dates of the bills reflects the status of those bills as of December 31, 2005.

Part C provides an index to Ministry of Community Services' local government legislation according to the Act and section amended by 2005 legislation.

This Summary provides a brief description of bills passed in 2005 that directly affect local governments. For a complete listing and the full text of all bills introduced or passed in that Session, go to the Legislative Assembly of British Columbia web site at: http://www.legis.gov.bc.ca/legislation/index.htm.

The information in this Summary is provided as a guide for convenience only; while best efforts have been used in its preparation, it should not be relied on for accuracy.

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Spring 2005

Bill 3 **Miscellaneous Statutes Amendment Act, 2005**

Sponsored by Attorney General and Minister Responsible for Treaty Negotiations

This Act repeals or makes amendments to a variety of statutes on behalf of several ministers. Of particular interest to local governments is the amendment to the *Municipalities Enabling and Validating Act (No. 3)*. This Act also amends the *Expropriation Amendment Act*.

Validation of Nanaimo Centre loan authorization bylaw

Section 14 amends the *Municipalities Enabling and Validating Act (No. 3)* by adding s.18. The *Community Charter* s.135(4) deals with situations where inspector's and electors' approval are required before a bylaw can be passed. It stipulates that in these situations the approval of the inspector must be secured prior to seeking the approval of the electors. In the case of the loan authorization bylaw related to the proposed Nanaimo Centre development, electors' approval was secured before there had been inspector's approval.

Section 14 deals specifically with this procedural error by reversing the required order of approvals in this particular instance. This section applies retroactively to the date on which the bylaw received first reading. This new section applies only to this particular bylaw and maintains the general requirement of both elector's and inspector's approval.

Expropriation regulations allowed for transitional period

Section 2 amends *Expropriation Amendment Act* s. 21, to allow the enactment of regulations needed to overcome any transitional difficulties arising from amendments to the *Expropriation Act* effected by the *Expropriation Amendment Act, 2004*. This allows regulations to be made for the purpose of the transition, permitting effective transfer of the Expropriation Compensation Board's jurisdiction to the courts, and ensuring timely wind-up of the Board.

http://www.legis.gov.bc.ca/37th6th/3rd_read/gov03-3.htm

S.B.C. 2005, c.2 (sections 2 and 14 effective February 22, 2005)

Spring 2005

Bill 2 — Thompson Rivers University Act

Sponsored by Minister of Advanced Education

This Act continues the University College of the Cariboo as the Thompson Rivers University.

Expropriation matters and tax exemptions

Section 4 (1) of this Act incorporates several sections of the *University Act*. *University Act* ss. 51 and 53 are adopted and provide that the University has the power to expropriate land and that land vested in the University is not liable to expropriation.

Section 4(1) also adopts *University Act* s.54 which provides that lands held by universities are exempt from property taxes under the *Local Government Act*, the *Taxation (Rural Area) Act*, the *School Act*, the *Community Charter*, and the *Vancouver Charter*.

"Public Institution" under *Municipal Finance Authority Act*

Section 20 amends *Municipal Finance Authority Act* s.1 by adding paragraph (e.4). In so doing, the Thompson River University is included in the definition of "public institution" under the *Municipal Finance Authority Act*. This allows Thompson River University to receive financing through and enter into short term pooled investments with the Municipal Finance Authority for certain prescribed purposes.

http://www.legis.gov.bc.ca/37th6th/3rd_read/gov02-3.htm

S.B.C. 2005, c.17 (In force March 31, 2005)

Bill 4 — Attorney General Statutes Amendment Act, 2005

Sponsored by Attorney General and Minister Responsible for Treaty Negotiations

This Act amends a variety of statutes for which the Attorney General is responsible. Of interest to local governments are the amendments to the *Family Relations Act*.

Investigative powers affecting local governments

Section 3 provides for investigative powers in relation to proceedings under the *Family Relations Act* by amending s. 99. Under these provisions enforcement officers designated under *Family Relations Act* s.98 have the power to demand information from individuals or public bodies, including local governments, when that information is helpful in determining the location and/or assets of parties to proceedings that involve child support orders or agreements.

http://www.legis.gov.bc.ca/37th6th/3rd_read/gov04-3.htm

S.B.C. 2005, c.1 (Section 3 effective February 22, 2005

Bill 8 Taxation Statutes Amendment Act, 2005

Sponsored by Minister of Finance

The provisions in this Act most relevant to local governments amend the *Assessment Authority Act*, *British Columbia Transit Act*, *Greater Vancouver Transportation Authority Act*, *Health Authorities Act*, *Home Owner Grant Act*, *Hospital District Act* and the *School Act*.

Tax exemptions for hospitals

Sections 10 and 11 of this Act amend the *Health Authorities Act* by adding s. 15.01, which provides tax exemptions for specified property that is part of hospitals or designated hospital facilities. Tax authorities affected include those under the *Community Charter*, *Local Government Act*, *School Act*, *Taxation (Rural Area) Act* and the *Vancouver Charter*.

Subject to regulations made under s. 21 (2) (r) of the *Health Authorities Act*, real property owned by a hospital board is exempt from taxes if it is: (a) designated as being held for future hospital use; (b) occupied by a non-profit organization for a purpose that would exempt it if it was owned by that organization; (c) and (d) occupied by a third party who is providing services to or on behalf of the board or the hospital; or (e) occupied by a medical practitioner who is teaching at UBC medical school, is designated staff of the hospital and is using the property for that purpose.

Health Authorities Act s. 15.01 (3) stipulates, however, that if the property was subject to taxation under the above Acts at the time the *Health Authorities Act* came into force, and there is no regulation exempting the property from taxation under s. 21 (2) (o), that property is still taxable.

Home owner grants maximum value increased

Sections 12 to 15 amend several sections of the *Home Owner Grant Act* to change the value of residences that qualify home owners for grants. The legislation raises the threshold for unreduced home owner grants from $585,000 to $685,000. Above that threshold the grant is now reduced by $5 per $1000 of assessed value, down from $10 per $1000.

School Act tax amendment providing for Cabinet regulated exemptions

Section 36 amends the *School Act* by adding s.131.1 which authorizes the Lieutenant Governor in Council to make regulations providing school tax exemptions and school tax refunds for alternative energy power projects. These tax exemptions do not, however, apply to local government property taxes under the *Community Charter*, *Local Government Act*, and the *Taxation (Rural Area) Act*.

Consequential amendments

Sections 2, 3, 9 and 16 amend the *Assessment Authority Act*, *British Columbia Transit Act*, *Greater Vancouver Transportation Authority Act*, and the *Hospital District Act* respectively, to exclude reference to the new school tax exemptions and refunds provided under s.131.1 of the *School Act*. This ensures that the tax exemption potential for alternative energy power projects under s.131.1 is limited to school tax.

http://www.legis.gov.bc.ca/37th6th/3rd_read/gov08-3.htm

S.B.C. 2005, c.16 (sections 2, 3, 9-11, 16 & 36 effective March 3, 2005; sections 12-15 effective January 1, 2005)

Fall 2005

Bill 6 **Northern Development Initiative Trust Amendment Act, 2005**

Sponsored by Minister of Economic Development

This amendment act addresses various aspects of the governance of the Northern Development Initiative Trust. A couple of changes are directly relevant to local governments.

Eligibility for membership on a regional advisory committee

Section 2 of this Act clarifies s. 3 of the *Northern Development Initiative Trust Act* so that an individual may become a member of a regional advisory committee if that individual is an elected official from a municipality or regional district and all or a part of that municipality or regional district is in the region. Previously, s. 3 did not make it clear whether the physical boundaries of a local government needed to be located entirely within the region for elected officials of that region to be eligible to serve on a regional advisory committee.

Removal of directors

Section 3 of this Act amends s. 6 to expressly recognize the ability of the Lieutenant Governor in Council to remove and replace its appointed directors, and allows the directors to remove and replace another director by resolution.

Operation of the Trust and accountability requirements	Section 5 of this Act establishes accountability procedures and requirements for the Trust such as: directors must appoint a chief executive officer and a chief financial officer; directors may accept remuneration only for expenses; the Northern Development Initiative Trust must annually prepare and publish strategic plans to articulate the goals of the Northern Development Initiative Trust; directors of the Trust must annually prepare and publish reports setting out what success the Trust has had in meeting its goals and providing audited financial statements; directors of the Northern Development Initiative Trust must appoint an auditor to audit the accounts and transactions of the Trust.
Purposes for which funds can be used	Section 9 amends s. 18 to add agriculture as one of the purposes for which the money in the Cross-regional Account may be used, and establishes a Pine Beetle Account to support pine beetle recovery projects to help communities in the legacy area respond to the mountain pine beetle infestation.

http://www.legis.gov.bc.ca/38th1st/3rd_read/gov06-3.htm

S.B.C. c. 37 (In force by regulation)

Bill 7 — North Island-Coast Development Initiative Trust Act

Sponsored by Minister of Economic Development

This Act creates a development trust for the central south/northern Vancouver Island and the Sunshine Coast area to manage up to $50 million provided to the corporation by the government. The Act establishes regional advisory committees for the purposes of appointing directors for, and providing direction to, the corporation. The board of directors of the corporation is to create a specified trust account for the money, and the funds in that account are then available for investment for purposes specified in the Act within the North Island-Coast area.

Establishment and composition of regional advisory committees	Sections 2, 3 and 4 of the Act stipulate that regional advisory committees are to be comprised of mayors of each of the municipalities that are within the region and have a population greater than 500, chairs of each regional district within the region, and Members of the Legislative Assembly from the region. Within 6 months of the Act coming into force each regional advisory committee must appoint 4 directors of the North Island-Coast Development Initiative Trust, determine the size and manner for appointing members to the regional advisory committee, and determine the role and the manner for appointing the chair of the committee. The first chairs of the regional advisory committees will be, for the Central South Island region, the mayor of North Cowichan, and for the North Island-Sunshine Coast region, the mayor of Courtenay.

Directors of the North Island-Coast Development Initiative Trust	Section 5 establishes the trust as a corporation that is not an agent of government, and section 6 establishes its board of directors. The board of directors will consist of 13 people. 8 directors are to be appointed by the regional advisory committees, with each of the 2 regional advisory committees appointing 4 of their number as directors, and 5 directors are to be appointed by the Lieutenant Governor in Council. Section 6 also describes the terms and replacement procedures for directors.
First directors of the North Island-Coast Development Initiative Trust	Section 7 states that the first directors for the trust will be: from the Central South Island region, the mayors of Nanaimo, Parksville, Ladysmith and Lake Cowichan; from the North Island-Sunshine Coast region, the mayors of Campbell River, Port Alberni, Port McNeill and Gibsons; and 5 individuals appointed by the Lieutenant Governor in Council. The first directors must establish the Regional Account and deposit the one time development allocation into it. The first directors' term expires 6 months after the coming into force of the Act.
Subsequent directors - other proceedings and administrative details	Sections 8 to 13 deal with various requirements and proceedings of the directors, and administration for the trust - for example, appointing a chief executive officer and a chief financial officer, and remuneration of employees and operating expenses.
Public Accountability – various requirements	Part 3 deals with Public Accountability, establishing various requirements the directors must fulfill. Under Part 3, section 14 establishes the requirement to create a strategic plan. Sections 15 and 16 deal with annual reports and audits.
Allocations	Section 17 limits the total funds to be given to the trust to a maximum of $50 million. Section 18 deals with the management of the Regional Account. Section 19 states that interest and income earned must be paid into the Regional Account and section 20 itemizes purposes for which the funds may be used. The funds can be used to support investment in forestry, transportation, tourism, mining, Olympic opportunities, small business, economic development, energy, and agriculture. Section 21 authorizes the regional advisory committees to advise the directors on projects for which the funds could be used, while section 22 states that the one-time development allocation must be invested in accordance with the provisions of the *Trustee Act*.
Review of this Act	Section 26 provides that the Act will be reviewed on or before the fifth anniversary of the coming into force of section 26, and on or before every fifth anniversary after that for as long as the Trust exists. The directors must appoint a committee of qualified individuals who may consult with any person or organization it considers appropriate (this

could include local governments or the Union of BC Municipalities), and publish a public report of the results of the review.

http://www.legis.gov.bc.ca/38th1st/3rd_read/gov07-3.htm

S.B.C. 2005, c. 36 (in force by regulation)

Bill 8 — Southern Interior Development Initiative Trust Act

Sponsored by Minister of Economic Development

This Act creates a development trust for the Columbia-Kootenay and Thompson-Okanagan area to manage up to $50 million provided to the corporation by the government. The Act establishes regional advisory committees for the purposes of appointing directors for, and providing direction to, the corporation. The board of directors of the corporation is to create a specified trust account for the money, and the funds in that account are then available for investment for purposes specified in the Act within the Southern Interior region.

Establishment and composition of regional advisory committees

Sections 2, 3 and 4 of the Act stipulate that regional advisory committees are to be comprised of mayors of each of the municipalities that are within the region and have a population greater than 500, chairs of each regional district within the region, and Members of the Legislative Assembly from the region. Within 6 months of the Act coming into force each regional advisory committee must appoint 4 directors of the Southern Interior Development Initiative Trust, determine the size and manner for appointing members to the regional advisory committee, and determine the role and the manner for appointing the chair of the committee.

The first chairs of the regional advisory committees will be, for the Columbia-Kootenay region, the mayor of Nelson, and for the Thompson-Okanagan region, the mayor of Kamloops.

Directors of the Southern Interior Development Initiative Trust

Section 5 establishes the trust as a corporation that is not an agent of government, and section 6 establishes its board of directors. The board of directors will consist of 13 people. 8 directors are to be appointed by the regional advisory committees, with each of the 2 regional advisory committees appointing 4 of their number as directors, and 5 directors are to be appointed by the Lieutenant Governor in Council. Section 6 also describes the terms and replacement procedures for directors.

First directors of the Southern Interior Development Initiative Trust	Section 7 states that the first directors for the trust will be: from the Columbia-Kootenay region, the mayors of Cranbrook, Trail, Golden and Grand Forks; from the Thompson-Okanagan region, the mayors of Kelowna, Vernon, Princeton and Salmon Arm; and 5 individuals appointed by the Lieutenant Governor in Council. The first directors must establish the Regional Account and deposit the one time development allocation into it. The first directors' term expires 6 months after the coming into force of the Act.
Subsequent directors - other proceedings and administrative details	Sections 8 to 13 deal with various requirements and proceedings of the directors, and administration for the trust - for example, appointing a chief executive officer and a chief financial officer, and remuneration of employees and operating expenses.
Public Accountability - various requirements	Part 3 deals with Public Accountability, establishing various requirements the directors must fulfill. Under Part 3, section 14 establishes the requirement to create a strategic plan. Sections 15 and 16 deal with annual reports and audits.
Allocations	Section 17 limits the total funds to be given to the trust to a maximum of $50 million. Section 18 deals with the management of the Regional Account. Section 19 states that interest and income earned must be paid into the Regional Account and section 20 itemizes purposes for which the funds may be used. The funds can be used to support investment in forestry, transportation, tourism, mining, Olympic opportunities, small business, economic development, energy, and agriculture. Section 21 authorizes the regional advisory committees to advise the directors on projects for which the funds could be used. Section 22 states that the one-time development allocation must be invested in accordance with the provisions of the *Trustee Act*.
Review of this Act	Section 26 provides that the Act will be reviewed on or before the fifth anniversary of the coming into force of section 26, and on or before every fifth anniversary after that for as long as the Trust exists. The directors must appoint a committee of qualified individuals who may consult with any person or organization it considers appropriate (this could include local governments or the Union of BC Municipalities), and publish a public report of the results of the review.

http://www.legis.gov.bc.ca/38th1st/3rd_read/gov08-3.htm

S.B.C. 2005, c. 39 (in force by regulation)

Bill 9 **Greater Vancouver Transportation Authority Amendment Act, 2005**

Sponsored by Minister of Transportation

This Act adds *Part 7 – Parking Site Tax* to the *Greater Vancouver Transportation Authority Act*. The addition of that part establishes a process of assessing and levying a parking tax that is similar to the process of assessing and levying property taxes. The main implication for local governments is that the Act obliges municipalities (and the Surveyor of Taxes in the case of rural areas) within the transportation service region to collect the parking tax on behalf of the GVTA.

Parking Site Tax

Section 11 of this Act adds Part 7, dealing with Parking Site Tax. Part 7 contains ss. 131 to 168. These sections establish the core authority that allows the GVTA to levy a parking tax within the transportation service region. S. 133 establishes various matters for which the authority may pass a bylaw, including determining the areas in the region in which the parking tax applies, and determining the rates that will apply.

Under s. 133(2)(e), the authority may pass bylaws to exempt land, improvements and property classes from assessment of a parking tax. S. 133 (3) sets the maximum parking tax rates at $1.43 per square metre of taxable parking area and $45.13 per taxable parking space. The GVTA must send to the municipal collectors and the Surveyor of Taxes, no later than May 1 of each year, a notice setting out the tax rates in accordance with s. 133(4).

One section of Part 7 directly relevant to the Greater Vancouver Regional District (GVRD) board is s. 133(5) which stipulates that bylaws passed by the GVTA must be ratified by the board of the GVRD in order to take effect, unless the GVTA's bylaw is in relation to the 2006 taxation year, or unless the bylaw decreases the parking tax.

Parking Site Roll

Ss. 134 and 135 establish the obligation for the authority to complete a parking site roll listing each property in the region that is liable for assessment of parking tax, and for the authority to provide, to each municipality in the region that has taxable parking areas, the parking site roll as soon as it is available.

Exemptions

Some property is exempt from the assessment of a parking tax. Under s. 136(1)(a), property classes 1 (residential), 7 (managed forest land), and 9 (farm) are exempt from assessment.

Under ss. 136(1)(c) and (d), to the extent that property is exempt from taxation under s. 131 of the *School Act*, it is also exempt from assessment of parking tax. Because of linkages under the *School Act* between various pieces of legislation, property that is exempt under

local government legislation will not be assessed for parking tax.

In the case of property that falls into 2 or more property classes, s. 136(1)(b) states that if a portion of the property is determined to fall into a property class that is exempt under s. 136, that portion of the property will not be assessed for parking tax.

S. 136 (3) clarifies that if a determination is made under section 136 (1)(b) in relation to property that falls into more than one property class, that determination does not affect the classification of property under the *Assessment Act* for the purpose of property taxation (i.e. a property will not necessarily be classified and assessed the same way for parking tax purposes as it is for property tax purposes).

Role of assessment commissioner

The GVTA has the authority under s. 137 to delegate to the assessment commissioner (BC Assessment) some or all of the GVTA's powers and duties in relation to parking site rolls. This means that BC Assessment may be the body that actually prepares the parking site roll and performs associated duties.

Occupiers of exempt land

Under ss. 140 and 141, land owned by a person who is exempted from taxation under Part 7, and land owned by a municipality, is subject to assessment of a parking tax if that land is held or occupied by someone else and not on behalf of the exempt person or municipality.

Supplementary roll

Supplementary parking site rolls may be prepared by the authority to correct specified errors or omissions up to 12 months after the completion of the parking site roll under s. 145.

Complaints and appeals

S. 154 and s. 155 state that a person may make a complaint against an individual entry in a parking site roll on certain grounds, and that notice of the complaint must be filed with the authority no later than January 31 of the year following the completion of the parking site roll. S. 155 also establishes the requirements associated with filing the complaint. S. 159 to 162 state that a review panel may investigate the parking site roll based on a complaint or upon recommendation from the authority, establish the process for investigation by a review panel, and direct the authority to amend the parking site roll.

An appeals process is established under ss. 163 to 166. S. 163 states that a person may appeal to the Property Assessment Appeal Board if he or she is dissatisfied with specified aspects of the review panel process.

Requirements of municipalities regarding collection of parking site tax

Section 6 of this Act amends s. 26 of the *Greater Vancouver Transportation Authority Act* to create obligations for municipalities and the Surveyor of Taxes to collect the parking tax in municipal boundaries and rural areas, respectively, if taxes are assessed under Part 7. Section 6 also establishes the dates by which the taxes must be paid to the GVTA.

Section 6 also amends s. 26 to establish administration fees for reimbursing municipalities for costs associated with collecting the parking tax. For their efforts in collecting parking tax, the minister may prescribe an administration fee the GVTA must pay to municipalities.

Municipalities deduct the amount of the fee from the taxes paid to the GVTA. The administration fee may be different for different municipalities.

Levy and collection of parking tax by municipalities

Section 7 of this Act amends s. 27 of the *Greater Vancouver Transportation Authority Act*. Municipalities and the Surveyor of Taxes have the same obligations in relation to assessing, levying, collecting, and adding penalties/interest for parking tax as the obligations they have in relation to collecting property tax levied by the GVTA. The rules that apply under the *Community Charter*, *Local Government Act*, *Vancouver Charter* and *Taxation (Rural Area) Act* for collecting property tax apply to collecting the parking tax.

Municipalities must include a notice dealing with the parking tax as part of the property tax notice prepared in accordance with local government legislation (e.g. under s. 237 of the *Community Charter*, municipalities must mail a tax notice to each owner of property subject to property tax detailing the municipal property tax to be paid, and the tax to be collected by the municipality on behalf of another local government or other public body; that notice will include parking tax, if parking tax is assessed for property in the municipality).

Power to make regulations

Section 167 provides that the Lieutenant Governor in Council may make regulations under Part 7, including (but not limited to) respecting preparation of the parking site roll, respecting parking tax notices that may or must be provided in relation to a parking tax or a parking site roll, and respecting delegation by the authority of its powers and duties in relation to parking site rolls.

Consequential amendments	Section 13 amends section 31(1) of the *Assessment Act* to allow property assessment review panels appointed under that act to review parking site rolls, in addition to the review panels' existing authority to review the annual assessments of land and improvements in B.C. for property tax purposes.

http://www.legis.gov.bc.ca/38th1st/3rd_read/gov09-3.htm

S.B.C. 2005, c. 32 (in force Dec. 6, 2005)

Bill 13 — Civil Forfeiture Act

Sponsored by Minister of Public Safety and Solicitor General

This Act allows the court to order the forfeiture to the government of proceeds resulting from an unlawful activity, and of property used as an instrument of that unlawful activity. Proceeds resulting from the disposition of forfeited property may be used to compensate eligible victims of an unlawful activity, to fund the prevention of unlawful activities and to remedy the effects of unlawful activities. One section is of particular relevance to local governments.

Powers, functions and duties of director	Section 22(1) refers to "public body" as defined under the *Freedom of Information and Protection of Privacy Act* (FOIPPA). Under that Act, "public body" includes local governments. Section 22(4) establishes that the director appointed by the minister responsible for the Civil Forfeiture Act may, subject to the regulations, enter information-sharing agreements with Canada, another province or jurisdiction in or outside of Canada, or with a public body. Section 22(5) states that the director is entitled to information that is in the custody or control of a public body prescribed by the Lieutenant Governor in Council, if the director reasonably requires that information to exercise his/her powers or fulfill his/her duties and functions under this Act. Under Section 22(6), a public body that has custody or control of information to which the director is entitled under subsection (5) must, on request, disclose that information to the director.

http://www.legis.gov.bc.ca/38th1st/3rd_read/gov13-3.htm

S.B.C. 2005, c. 29 (in force by regulation)

Bill 16 **Miscellaneous Statutes Amendment Act (No. 2), 2005**

Sponsored by Attorney General

This Act amends a variety of statutes on behalf of several ministers. As local governments are public bodies under the *Freedom of Information and Protection of Privacy Act*, a couple of the amendments to that Act are relevant to local governments.

Storage and access must be in Canada (exceptions)

Section 8 amends s. 30.1 of the *Freedom of Information and Protection of Privacy Act* to allow a public body to store and access personal information outside of Canada, if the personal information was disclosed for the purposes of payments to or from the government of BC or a public body as described under the newly added s. 33.1(1)(i.1)

Disclosure inside or outside Canada

Section 9(a) establishes s. 33.1(1)(c.1), which allows information to be disclosed inside or outside Canada if the information has already been made public in BC.

Section 9(b) amends s. 33.1(1)(i) to allow a public body to disclose within Canada personal information under the public body's custody or control for the purposes of collecting amounts (i.e. debts) that either an individual, or a corporation of which the individual the information is about is or was a director or officer, owe to the government of BC or to a public body.

In relation to disclosure outside Canada, s. 33.1(1)(i)(ii) establishes that there must be reasonable grounds for believing that the individual the information is about resides in or has assets in the other jurisdiction, or if applicable, the corporation was incorporated in, is doing business in, or has assets in the other jurisdiction.

Section 9(b) also adds s. 33.1(1)(i.1), which states that a public body may disclose personal information inside or outside of Canada if the disclosure is for the purposes of a payment to be made to or by the government of BC or a public body, or for various actions in relation to such a payment (processing, cancelling, etc.).

http://www.legis.gov.bc.ca/38th1st/3rd_read/gov16-3.htm

S.B.C. 2005, c. 35 (sections 8 & 9 effective November 24, 2005)

Affected Act	Section		Amending Bill	
Municipal Finance Authority Act	s. 20	["Public Institution" under *Municipal Finance Authority Act*]	**2**	(s. 1)
Municipalities Enabling and Validating Act (No. 3)	s. 18	[Validation of Nanaimo Centre loan authorization bylaw]	**3**	(s. 14)

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http://www.cserv.gov.bc.ca/lgd/pol_research/legislation.html#annual